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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,762	07/15/2003	Takeharu Muramatsu	1254-0230P	6012
2292 7590 12/01/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER ST CYR, DANIEL				
ART UNIT 2876		PAPER NUMBER		
NOTIFICATION DATE 12/01/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/618,762

Applicant(s)

MURAMATSU ET AL.

Examiner

Daniel St.Cyr

Art Unit

2876

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/14/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,8,9,11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,8,9,11 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 19-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB-08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's amendment filed 8/14/08 in which claims 5, 8, 11, and 14 were amended and claim 19-24 were added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei et al, US Pub. 2001/0034222, in view of Moore Scott C., WO 02/41101, cited by the applicant.

Roustaei et al disclose an image capture and processing accessory comprising: a high resolution imager accessory 31 associated with a cellular phone 41 for capturing either still or motion images and processes the images so that they may be transmitted over a limited bandwidth network through the cellular phone 41, the imager 31 includes a high resolution image sensor 32 having at least a megapixel array for imaging the target and a light source 33 for illuminating the target, keys 34 for operating the imager 31, a display window 35 for viewing the captured image, as well as a speaker 36 and a microphone 37; the image sensor acquires the image at a resolution greater than one mega pixel. When a bar code image application is selected, the sensor image is processed by determining the area in the image containing the bar code, identifying the type of code in the bar code and decoding the code in the bar code. (see figs. 3-4, Par. 0038).

Roustaei et al fail to disclose or fairly suggests the specific format of the bar code, wherein the bar includes a header code (an identifier) for identifying the type of data contains in the body so as to appropriately read/decode the code.

Moore discloses a method and system for transmitting data that conforms to a network, wherein the data segment 500 comprising: an ASCII packet identifier 510 indicates the type of data encrypted in the third segment 530 (body of data); an unencrypted, binary data identifier 520 is used to identify the encryption key used to encrypt the data packet (see pages 10-11).

In view of Moore teachings, it would have obvious for a person of ordinary skill in the art, at the time the invention was made to modify the teachings of Roustaei et al to including identifier for the identifying the different type contained in the bar code. For instance, 1D, 2D, matrix codes, or other type codes can be used instead of or in combination of to represent the data, wherein the ID code could be used to effectively invoke the appropriate parameters to effectively process the coded information. Such modification would make the system more robust, more convenient, and more effective, by providing a device that is useable with multiple applications within the spectrum. Therefore, it would have been obvious for an artisan to modify the system as such as an extension as taught by Roustaei et al.

4. Claims 5, 8, 9, 11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Patent Publication (KoKai) No. 2002-125008, cited in the background of the specification, in view of More, also cited by the applicant. The teachings of Moore have been discussed above.

Kokai discloses a method of registering ring tone data by rendering cellular phone ring into two-dimensional code that is then printed and read by a camera, the method comprising: a recorded image on a medium; a camera 111 for reading the image; a telephone 10 for extracting information in the image; a storage medium for storing information (see page 1 of the specification, the English abstract of Kokai, and fig. 3).

Kokai fails to disclose or fairly suggests that the code includes a header code (an identifier) for identifying the type of data contains in the body so as to appropriately read the code.

See Moore above.

In view of Moore teachings, it would have obvious for a person of ordinary skill in the art, at the time the invention was made to modify the teachings of Kokai to include data identifier to identify the type of ring tone data encoded in the bar code. For instance, 1D, 2D, matrix codes, or other type codes can be used instead of or in combination of to represent the ring tone data, wherein the ID code could be used to invoke the appropriate parameters to effectively process the coded information. Such modification would make the system more robust, more convenient, and more effective, by providing a device that is useable with multiple applications within the spectrum. Regarding displaying non-encrypted/non-encoded information, such as text/numbers, image etc., the terminal of Kokai is capable of displaying such information. Furthermore, Moore provides encrypted and non-encrypted information. Therefore, it would have been obvious for an artisan to modify the system as such as an extension as taught by Kokai.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

November 27, 2008

/Daniel St.Cyr/

Primary Examiner, Art Unit 2876